

970.0100

970.5070-3 Contract clauses.

Subpart 970.52—Solicitation Provisions and Contract Clauses for Management and Operating Contracts

970.5200 Scope of subpart.
970.5201 Text of provisions and clauses.
970.5203-1 Management controls.
970.5203-2 Performance improvement and collaboration.
970.5203-3 Contractor's organization.
970.5204-1 Counterintelligence.
970.5204-2 Laws, regulations, and DOE directives.
970.5204-3 Access to and ownership of records.
970.5208-1 Printing.
970.5209-1 Requirement for guarantee of performance.
970.5215-1 Total Available Fee: Base fee amount and performance fee amount.
970.5215-2 [Reserved]
970.5215-3 Conditional payment of fee, profit, or incentives.
970.5215-4 Cost reduction.
970.5215-5 Limitation on fee.
970.5217-1 Work for Others Program.
970.5222-1 Collective bargaining agreements—management and operating contracts.
970.5222-2 Overtime management.
970.5223-1 Integration of environment, safety, and health into work planning and execution.
970.5223-2 Affirmative procurement program.
970.5223-3 Agreement regarding workplace substance abuse programs at DOE facilities.
970.5223-4 Workplace Substance Abuse Programs at DOE sites.
970.5223-5 DOE motor vehicle fleet fuel efficiency.
970.5226-1 Diversity plan.
970.5226-2 Workforce restructuring under Section 3161 of the National Defense Authorization Act for Fiscal Year 1993.
970.5226-3 Community commitment.
970.5227-1 Rights in data—facilities.
970.5227-2 Rights in data—technology transfer.
970.5227-3 Technology transfer mission.
970.5227-4 Authorization and consent.
970.5227-5 Notice and assistance regarding patent and copyright infringement.
970.5227-6 Patent indemnity—subcontracts.
970.5227-7 Royalty information.
970.5227-8 Refund of royalties.
970.5227-9 Notice of right to request patent waiver.
970.5227-10 Patent rights—management and operating contracts, nonprofit organization or small business firm contractor.
970.5227-11 Patent rights—management and operating contracts, for-profit contractor, non-technology transfer.

48 CFR Ch. 9 (10-1-06 Edition)

970.5227-12 Patent rights—management and operating contracts, for-profit contractor, advance class waiver.
970.5228-1 Insurance—Litigation and claims.
970.5229-1 State and local taxes.
970.5231-4 Preexisting conditions.
970.5232-1 Reduction or suspension of advance, partial, or progress payments upon finding of substantial evidence of fraud.
970.5232-2 Payments and advances.
970.5232-3 Accounts, records, and inspection.
970.5232-4 Obligation of funds.
970.5232-5 Liability with respect to cost accounting standards.
970.5232-6 Work for others funding authorization.
970.5232-7 Financial management system.
970.5232-8 Integrated accounting.
970.5235-1 Federally funded research and development center sponsoring agreement.
970.5236-1 Government facility subcontract approval.
970.5237-2 Facilities management.
970.5242-1 Penalties for unallowable costs.
970.5243-1 Changes.
970.5244-1 Contractor purchasing system.
970.5245-1 Property.

AUTHORITY: 42 U.S.C. 2201, 2282a, 2282b, 2282c; 42 U.S.C. 7101 *et seq.*; 41 U.S.C. 418b; 50 U.S.C. 2401 *et seq.*

SOURCE: 65 FR 81009, Dec. 22, 2000, unless otherwise noted.

Subpart 970.01—Management and Operating Contract Regulatory System

970.0100 Scope of part.

This part provides Departmental policies, procedures, provisions, and clauses that implement and supplement the Federal Acquisition Regulation (FAR) and other parts of the Department of Energy Acquisition Regulation (DEAR) for the award and administration of the Department's management and operating contracts, as defined at 48 CFR subpart 17.6. The FAR and other parts of the DEAR apply to management and operating contracts. See 48 CFR 970.5200 for guidance regarding which provisions and clauses (from FAR, DEAR Part 970, or other parts of the DEAR) to include in management and operating contracts.

970.0103 Publication and codification.

(a) *Organization of Part 970.* (1) To the extent possible, the titles and text of the subparts, sections, and subsections

Department of Energy

970.0370-1

of this part are numbered to correspond with related material that is contained in the FAR.

(2) The number to the left of the decimal point represents the DEAR part number (*i.e.*, 970). The numbers to the right of the decimal point and to the left of the dash represent, in order, the DEAR subpart (first two digits), and the DEAR section number (second two digits). The numbers to the right of the dash represent the DEAR subsection. A second dash may follow the DEAR subsection number. As applicable, numbers to the right of the second dash represent subordinate subsections.

(3) To the extent practicable, the subpart number corresponds with the FAR part which contains related coverage, and the section number corresponds with the FAR subpart which contains related coverage (*e.g.*, the coverage contained in DEAR 970.0309 corresponds with material contained in FAR 3.9).

(4) Where the FAR does not contain related coverage on a particular subject, the DEAR section number will be numbered using numbers of 70 and up (*e.g.*, 970.0370).

(b) *Special Note Regarding Clause Numbering.* The section number for clauses prescribed in part 970 are numbered to correspond with the subpart in which the clause is prescribed (*e.g.*, 970.5203-1 is prescribed for use at subpart 970.03).

Subpart 970.03—Improper Business Practices and Personal Conflicts of Interest

970.0309 Whistleblower Protection of Contractor Employees.

970.0309-1 Applicability.

The contracting officer shall refer to 48 CFR subpart 903.9 regarding the applicability of the DOE Employee Protection Program to management and operating contracts.

970.0370 Management Controls and Improvements.

970.0370-1 Policy.

(a) Management and operating contractors shall develop and maintain systems of management and quality control to discourage waste, fraud and abuse; and to ensure that components,

products, and services that are provided to DOE satisfy the contractor's obligations under the contract.

(b) As a part of the required overall management structure, the contractor must maintain management control systems which, in compliance with the requirements of the clause at 48 CFR 970.5203-1:

(1) Are documented and satisfactory to DOE;

(2) Ensure that all levels of management are accountable for effective management systems and internal controls within their areas of assigned responsibility;

(3) Cover both programmatic and administrative functions;

(4) Provide reasonable assurance that Government resources are safeguarded against theft, fraud, waste, and unauthorized use;

(5) Promote efficient and effective operations;

(6) Ensure that all obligations and costs incurred are in compliance with the intended purposes and the terms and conditions of the contract;

(7) Properly record, manage, and report all revenues, expenditures, transactions and assets;

(8) Maintain financial, statistical and other reports necessary to maintain accurate, reliable, and timely accountability and management controls;

(9) Are periodically reviewed to ensure that the systems provide reasonable assurance that the objectives of the system are being accomplished and that these controls are working effectively;

(10) Are in accordance with the Comptroller General's standards for internal controls, as set forth in the General Accounting Office Policy and Procedures Manual For Guidance to Federal Agencies, (Oct 1984), as amended.

(c) Management and operating contractors shall also develop and maintain a baseline program of quality assurance that will implement documented performance and quality standards, and management controls and assessment techniques to ensure components, services, and products meet DOE's, design criteria and other governing and applicable specifications.

(d) DOE expects all its contractors to seek to identify improvements in any